

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAMONE E. FLOWERS,	§	
	§	No. 163, 2018
Defendant Below,	§	
Appellant,	§	Court Below: Superior Court
	§	of the State of Delaware
v.	§	
	§	Cr. ID No. 9808000280A (N)
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: May 23, 2018

Decided: July 24, 2018

Before **VAUGHN**, **SEITZ**, and **TRAYNOR**, Justices.

ORDER

This appeal is from the Superior Court’s order of March 6, 2018, which adopted a Commissioner’s report and recommendation and denied Flowers’ successive motion for postconviction relief as procedurally barred.¹ The State has moved to affirm the Superior Court’s judgment on the ground that it is manifest on the face of Flowers’ opening that the appeal is without merit. We agree and affirm. Flowers offered no new evidence creating a strong inference of actual innocence or

¹ *State v. Flowers*, 2018 WL 11690644 (Del. Super. Ct. Mar. 6, 2018). The Superior Court characterized the postconviction motion as Flowers’ fourth, but the record reflects that it was his third. Flowers filed the motion in 2017 after this Court’s 2016 reversal of the Superior Court decision granting his second postconviction motion. *See State v. Flowers*, 150 A.3d 276, 277 (Del. 2016) (concluding that “Flowers’ second Motion for Postconviction Relief was untimely”).

any new rule of constitutional law that would invalidate his convictions, and he did not raise a jurisdictional claim. Flowers' postconviction motion was properly denied as procedurally barred.

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice